

Improvement Area - Enforceability

Scope

Enforceability (of the pesticide label/labeling) refers to the ability of pesticide regulatory officials to take action when a pesticide is applied “in a manner inconsistent with the label”.

Areas for label improvement include:

- Mandatory vs advisory language;
- Comingling of mandatory and advisory language;
- Undefined or ambiguous terms; and
- Complexity of label language (ability to comprehend).

The scope of work includes:

- Agricultural and non-agricultural pesticides;
 - Master Label:
 - Section 3 labels/Marketplace labels
 - Basic registrant or distributor products/Other labeling
 - Multiple Products Packed Together (MPPT) or kits/co-packs
- Marketplace label (end-use product);
- Other labeling:
 - Collateral labeling
 - Supplemental labels
- Composition accuracy
 - Formulation
 - Adulterated
- Environmental concerns
 - Buffers
 - Sensitive sites

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Commented [FL(1)]: Should this be one of the above areas of improvement? Can this be expanded or clarified as it relates to enforceability?

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To accomplish the scope or work, the Enforceability Improvement Team may create subgroups to address the different types of labels and labeling components. Examples of subgroups include:

- General use pesticides;
- Restricted use pesticides;
- Homeowner use pesticides;
- Fumigants;
- Environmental concerns
 - Buffers
 - Sensitive sites

Commented [FL(2)]: Question from Core Team - Do we need one more subgroup for “Antimicrobials/disinfectants” as they are written differently than ag or other non ag pesticides?

Team Members

Enforceability Improvement Team members should include stakeholders from the regulated community and those with experience in regulating/enforcing label language. The Enforcement Improvement Team may wish to identify specific stakeholders or subsets of stakeholders for subgroups. When recruiting for the Enforceability Improvement Team, the following should be considered:

- State/Tribes/Territories Staff including:
 - Enforcement and compliance staff;
 - Registration staff including label reviewers;
 - Field inspectors/investigators;
 - Worker Protection/Safety Coordinator
 - Legal counsel;
 - Laboratory staff;
- Industry/Associations;
- EPA Office of Enforcement and Compliance Assurance (OECA)
- EPA Office of General Counsel (OGC)
- Labor groups
- Pesticide Safety Educators
- University level experts /extension specialist

Resources

In addition to the resources listed previously, the Enforceability Improvement Team may find the following resources beneficial

- The Code of Federal Regulation, Title 40
- EPA's Pesticide Labeling Questions & Answer [HYPERLINK
"https://www.epa.gov/pesticide-labels/pesticide-labeling-questions-answers"]
- Federal Plain Language Guidelines
- Cases and resolution from Federal and State level
 - Misbranding
 - Consistent label language concerns/problems
- State Lead Agency program documents
 - Compendiums
 - Label review manuals
 - Definitions

Commented [FL(3)]: Are there specific sections or portions to include?

Deliverables

Deliverables are categorized as short or long-term.

Short-term Deliverables:

- A glossary of common terms would be the baseline to enforceability

- A guide to enforceable language
 - Suggested language
 - Provide examples of problematic language
 - What language is not enforceable (chart or tabular presentation showing enforceable and non-enforceable language side by side)
- Possibility to change label language in the present (now)

Long-term Deliverables:

- Revise the Label Review Manual
- Report Card – routinely presented, SLA experience with EPA collaborations
 - Problems with current vs legacy labels
 - Actionable
 - Impactful at SFIREG/AAPCO level
 - Multi state –OPP would be very interested
 - Streamline, SLA communication – label issues
 - Shared concern with EPA
 - Consistent response from EPA
 - Different PMs
 - Creation of templates
 - How SLAs can provide the feedback
 - How does this differ from SLITS
 - Collaborative platform
 - Back and forth communication available

Timeline

The timeline of the project is dependent of the identification and review of labeling that covers the different uses (agricultural vs non-agricultural) and how many subgroups are created to handle the assigned tasks. The timeline is also dependent on working in collaboration with the Formatting Executive group because the enforceability of labeling and formatting of the labeling are related.

Barriers

Commented [FL(4)]: Are there any additional barriers for this specific section?